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PATENT COOPERATION TREATY



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8L-P/02198	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/003691	International filing date (day/month/year) 26 March 2003 (26.03.2003)	Priority date (day/month/year) 27 March 2002 (27.03.2002)
International Patent Classification (IPC) or national classification and IPC H01M 4/58, 4/02, 10/40		
Applicant YUASA CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 September 2003 (03.09.2003)	Date of completion of this report 15 April 2004 (15.04.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-6	YES
	Claims	1-3	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 10-289731 A (Sanyo Electric Co., Ltd.), 27 October 1998

Document 2: JP 05-242891 A (Sanyo Electric Co., Ltd.), 21 September 1993

Document 3: JP 04-106875 A (Honda Motor Co., Ltd.), 8 April 1992

Document 4: JP 2000-077071 A (NEC Corporation), 14 March 2000

The inventions set forth in claims 1 to 3 are identical to the inventions set forth in documents 1 to 3 cited in the international search report, and therefore lack novelty and do not involve an inventive step. Document 1 sets forth a nonaqueous electrolyte battery using $\text{Li}_a\text{Co}_b\text{Mn}_c\text{M}_d\text{Ni}_{1-(b+c+d)}\text{O}_2$ (satisfying the following conditions: $0 < a < 1.2$, $0.1 \leq b < 1$, $0.05 \leq c < 1$, $0 \leq d < 1$, $0.15 \leq b + c + d < 1$) as a positive electrode material, and embodiment 16 sets forth a lithium rechargeable battery using $\text{Li}_1\text{Co}_{0.9}\text{Mn}_{0.05}\text{Ni}_{0.05}\text{O}_2$ as a positive electrode material. Document 2 (embodiment 1) and document 3 (claim 1) sets forth a positive electrode substance containing the composition of the inventions set forth in claims 1 to 3 of this application.

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The invention set forth in claims 4 to 6 does not involve an inventive step in the light of documents 1 to 4 cited in the international search report. Document 4 indicates that by having the positive electrode contain a lithium-manganese composite oxide and a lithium-nickel composite oxide, Mn elution from the lithium-manganese composite oxide and changes in the Li concentration in the electrolyte solution are controlled, thereby making it possible to provide a nonaqueous electrolyte rechargeable battery with improved preservation of capacity, safety, and charge and discharge life at high temperatures, and it would be easy for a person skilled in the art to apply the composite oxide set forth in documents 1 to 3 as said lithium-nickel composite oxide.

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
JP 2003-142075 A [E,X]	16 May 2003 (16.05.2003)	02 November 2001 (02.11.2001)	
JP 2002-110253 A [E, X]	12 April 2002 (12.04.2002)	29 September 2000 (29.09.2000)	
JP 2002-151076 A [E, X]	24 May 2002 (24.05.2002)	14 November 2000 (14.11.2000)	

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>